

## CHAPTER 19 - BATTERER INTERVENTION PROGRAMS

**STATUTORY REFERENCES:**     **RSA 173-B:5 (Relief)**  
   **RSA 597:2 (Bail and Recognizances)**

### **A.     GENERAL**

RSA 173-B:5, I(8) authorizes the Court to direct the abuser to attend a batterer intervention program or personal counseling upon issuance of a final protective order.

#### **PROTOCOL 19-1**

At the time of a final protective order hearing, a court has discretion to order the defendant to engage in a batterer intervention program or personal counseling.

#### **PROTOCOL 19-2**

The court shall not direct the plaintiff to engage in joint counseling services with the defendant.

#### **PROTOCOL 19-3**

Court ordered and court referred mediation of cases involving domestic violence is prohibited.

#### **PROTOCOL 19-4**

RSA 173-B:5, I(8) provides that intervention and counseling programs shall focus on alternatives to aggression.

#### ***COMMENT***

Batterer intervention programs are offered in some areas in New Hampshire. Currently there is a wide range of approaches and methodology. It is anticipated that by the Summer of 2002, the Governor's Commission on Domestic and Sexual Violence will promulgate statewide standards for batterer intervention programs and a list of those providers who utilize the standards. Judges are encouraged to become familiar with the

standards and to learn about the specific programs being offered in their areas.

## **B. DEFINITION OF SERVICES**

Batterer Intervention Programs strive to maximize abuser accountability while not compromising victim and child safety. Providers, therefore, endeavor to accomplish the following three general goals:

1. Educate abusers about treating partners with respect;
2. Hold individual abusers accountable for ending the violence; and
3. Enhance victim and child safety.

A typical batterer intervention program meets weekly and lasts six to eight months. The cost ranges between \$20-\$40 per session (sliding fees are often available). Offenders are required to meet in a participatory group setting.

Personal Counseling is designed to explore the abuser's feelings. The goals are to:

1. Assist the abuser to gain insight into his or her behavior; and
2. Give the abuser confidence to make changes.

Personal counseling, because it focuses on individual growth, may be of variable duration; the cost would naturally correlate to the number of sessions.

### *COMMENT*

The statute does not authorize anger management courses. Anger management programs assume the abuser has no control over his or her behavior, whereas batterer intervention programs assume the defendant chooses when and whom to abuse.

## **C. REFERRAL PROCESS FOR CIVIL AND CRIMINAL CASES**

### **PROTOCOL 19-5**

Examples of conduct that may be considered by the court in determining whether to make a referral to a batterer's intervention program are:

- a. Threats of suicide;
- b. Acute depression;
- c. History of past violence and protective order violations;
- d. Possessing or attempting to possess a deadly weapon in violation of an order;
- e. Death threats or threats of possessiveness toward another;
- f. Stalking; or
- g. Cruelty or violence directed towards pets.

**NOTE:** Research has shown that each of the above listed factors may be a strong indicator of lethality or future violence.

**PROTOCOL 19-6**

If the court orders a defendant to participate in a batterer intervention program or personal counseling, such order shall be made available to providers upon their request.

**PROTOCOL 19-7**

Sentencing in criminal cases may also include an order to participate in a batterer intervention program or personal counseling.

**PROTOCOL 19-8**

In a criminal case a batterer intervention program should be ordered as a condition of probation.

*COMMENT*

The court should require the defendant to enroll immediately (within 30 days) and provide proof to the court, failing which the court should schedule a show cause hearing.

**D. COMPLIANCE**

**PROTOCOL 19-9**

If the court orders a defendant to participate in a batterer intervention program or personal counseling, it is expected the defendant shall provide proof of attendance at monthly intervals. The Court may, in its discretion, schedule compliance hearings, or require only written reports.

**PROTOCOL 19-10**

The court should inquire of the victim if he/she wishes to receive copies of compliance reports.

**NOTE:** Batterer Intervention Standards require that program providers file monthly reports to the court. Batterer Intervention Program providers will provide the same reports to victims if they have contact information. Court staff should not, however, release this information without victim's approval.

**PROTOCOL 19-11**

Court staff shall set time standards for the receipt of written reports. Courts shall forward reports to plaintiffs, if requested by the plaintiff.